

1AP7 Rec'd PCT/PTO 08 SEP 2006

Customer No. 22,852  
Attorney Docket No. 05788.0372

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
 )  
Guido OLIVETTI et al. )  
 ) Group Art Unit:  
Application No.: 10/538,875 )  
 ) Examiner:  
Filed: June 14, 2005 )  
 )  
For: MODULAR APPARATUS AND )  
METHOD FOR DATA )  
COMMUNICATION BETWEEN )  
A DISTRIBUTION NETWORK )  
AND A RESIDENTIAL )  
NETWORK )

**U.S. National Phase of International Application No. PCT/EP2002/014482**

**MAIL STOP PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

Sir:

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

**UNDER M.P.E.P. 711.03(c)(I)(B)**

Applicants respectfully request withdrawal of the holding of abandonment under M.P.E.P. 711.03(c)(I)(B) in the above-identified patent application on the basis that there is no abandonment in fact.

The applicants are in receipt of a Notification of Abandonment dated August 3, 2006. The notification states that applicants failed to respond to the notification of Missing Requirements mailed November 23, 2005 within the time period set therein.

Applicants respectfully submit that the declaration of the inventors identifying the application by international application number, and international filing date and a surcharge fee of \$130.00 were timely filed on January 23, 2006.

Under the Notification, applicants were given two (2) months from the date of the notice to file the declaration of the inventors. Thus, the due date for filing the declaration as set in the notice was January 23, 2006.

On January 23, 2006, applicants filed a declaration of the inventors properly identifying the international application and the surcharge fee of \$130.00 for filing the declaration later than 30 months. A copy of the stamped receipt card from OIPE showing the filing of the foregoing fee and document on January 23, 2006, is enclosed. A copy of the declaration and power of attorney filed on January 23, 2006, is also enclosed.

In view of the foregoing, it is respectfully requested that applicants met the requirements of 35 U.S.C. 371 and 37 C.F.R. 1.495 and that the Notification of Abandonment be withdrawn.

If there is any fee due in association with this request including a fee for the filing of this Petition, you are authorized to charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: September 8, 2006

By: 

Ernest F. Chapman  
Reg. No. 25,961

EFC/FPD/gah



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

|                             |                       |                  |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/538,875                  | Guido Oliveti         | 05788.0372       |

|                               |               |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. |               |
| PCT/EP02/14482                |               |
| I.A. FILING DATE              | PRIORITY DATE |
| 12/18/2002                    |               |

22852  
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

**RECEIVED**

AUG 07 2006

Finnegan, Henderson, Farabow,  
Garrett & Dunner, L.L.P.

Date Mailed: 08/03/2006

CONFIRMATION NO. 8854

371  
ABANDONMENT/TERMINATION  
LETTER



\*OC000000019885360\*

### NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 11/23/2005 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

ANITA D JOHNSON

Telephone: (703) 308-9140 EXT 226

### PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

RTK

AUG 08 2006

PETITION DUE  
12/30/06

Handwritten initials and date: 8/17/06

ASS USD

23

**PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:**

National Stage of International Application No. PCT/EP2002/014482 under 35 U.S.C. 371.

**For:** MODULAR APPARATUS AND METHOD FOR DATA COMMUNICATION BETWEEN  
A DISTRIBUTION NETWORK AND A RESIDENTIAL NETWORK

**Application No.:** 10/538, 875

**Inventors:** Guido OLIVETTI et al.

**MAIL STOP PCT**

1. Transmittal Letter concerning a filing under 35 U.S.C. 371. (Duplicate)
2. Copy of Notification of Missing Requirements.
3. Declaration of the inventors.
4. Check for \$130.00
5. Request for Requirement for Additional Claim Fees



Date: January 23, 2006

Docket No.: 05788.0372

CUSTOMER NUMBER: 22,852

EFC/FPD/gah Mail Drop 610A

(Due Date: January 23, 2006)

Dht  
npl  
1/24/06

R

# DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## MODULAR APPARATUS AND METHOD FOR DATA COMMUNICATION BETWEEN A DISTRIBUTION NETWORK AND A RESIDENTIAL NETWORK

the specification of which

☐ is attached and/or

☒ was filed on June 14, 2005 as United States Application Serial No. \_\_\_\_\_ and  
was amended on June 14, 2005

☒ was filed on December 18, 2002 as PCT International Application No. PCT/EP2002/014482 and  
was amended on April 19, 2004.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate or § 365(a) of any PCT international application(s) designating at least one country other than the United States, listed below and have also identified below, any foreign application(s) for patent or inventor's certificate, or any PCT International application(s) having a filing date before that of the application(s) of which priority is claimed:

| Country | Application Number | Date of Filing | Priority Claimed Under 35 U.S.C. 119 |                             |
|---------|--------------------|----------------|--------------------------------------|-----------------------------|
|         |                    |                | <input type="checkbox"/> YES         | <input type="checkbox"/> NO |
|         |                    |                | <input type="checkbox"/> YES         | <input type="checkbox"/> NO |

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

| Application Number | Date of Filing |
|--------------------|----------------|
|                    |                |
|                    |                |

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or § 365(c) of any PCT International application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application(s) and the national or PCT International filing date of this application:

| Application Number | Date of Filing | Status (Patented, Pending, Abandoned) |
|--------------------|----------------|---------------------------------------|
|                    |                |                                       |

I hereby appoint the following attorney and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

**FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., CUSTOMER NUMBER 22,852.**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

|   |                            |              |
|---|----------------------------|--------------|
| Full Name of First Inventor   | Inventor's Signature       | Date         |
| Guido OLIVETI   | <i>Guido Olivetti</i>      | Nov. 23 2005 |
| Residence   |                            | Citizenship  |
| Milano, Italy   |                            | Italy        |
| Post Office Address   |                            |              |
| c/o Pirelli Cavi e Sistemi S.p.A., Viale Sarca 222, I-20126 Milano, Italy |                            |              |
| Full Name of Second Inventor  | Inventor's Signature       | Date         |
| Francesco SIMONELLI   | <i>Francesco Simonelli</i> | Nov 23 2005  |
| Residence   |                            | Citizenship  |
| Milano, Italy   |                            | Italy        |
| Post Office Address   |                            |              |
| c/o Pirelli Cavi e Sistemi S.p.A., Viale Sarca 222, I-20126 Milano, Italy |                            |              |
| Full Name of Third Inventor   | Inventor's Signature       | Date         |
| Giovanni TAGLIABUE  | <i>Giovanni Tagliabue</i>  | Nov. 23 2005 |
| Residence   |                            | Citizenship  |
| Milano, Italy   |                            | Italy        |
| Post Office Address   |                            |              |
| c/o Pirelli Cavi e Sistemi S.p.A., Viale Sarca 222, I-20126 Milano, Italy |                            |              |



## UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.

10/538,875

FIRST NAMED APPLICANT

Guido Oliveti

ATTY. DOCKET NO.

05788.0372

INTERNATIONAL APPLICATION NO.

PCT/EP02/14482

I.A. FILING DATE

12/18/2002

PRIORITY DATE

22852

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

NOV 28 2005

CONFIRMATION NO. 8854

371 FORMALITIES LETTER



\*OC000000017497115\*

Date Mailed: 11/23/2005

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/14/2005
- Copy of the International Search Report filed on 06/14/2005
- Preliminary Amendments filed on 06/14/2005
- Information Disclosure Statements filed on 06/14/2005
- U.S. Basic National Fees filed on 06/14/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$100 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$230 for a Large Entity:

RTK

NOV 29 2005

Docketed 11/28/05 Attorney ASS USD

Case 05788-0372-00

Due Date 1-23-06

Action Decl./Schg.

By

B

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MAR - 6 2005  
TECHNOLOGY CENTER 2800

- \$130 Surcharge.
- Total additional claim fee(s) for this application is \$ 100
  - \$100 for 2 total claims over 20.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

ANITA D JOHNSON

Telephone: (703) 308-9140 EXT 226

**PART 1 - ATTORNEY/APPLICANT COPY**

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/538,875                  | PCT/EP02/14482                | 05788.0372       |